



An
Bord
Pleanála

Inspector's Report ABP-307256-20.

Development	Proposed 110 KV substation.
Location	Avoca River Park, Arklow, Co. Wicklow.
Prospective Applicant	Crag Digital Avoca Ltd.
Planning Authority.	Wicklow County Council.
Type of Application	Pre-Application consultation under section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	20 th July 2020.
Inspector	Mairead Kenny.

1.0 Overview

The Board on 27th May 2020 received a request to enter into pre-application consultation under section 182E of the Planning and Development Act 2000 as amended in relation to a proposed 110 kV substation and associated works on lands in Avoca River Park, Arklow, Co Wicklow.

A letter with further information was received on 18th June 2020. This amended the original documentation to include provision of a double circuit 110 kV underground transmission line to serve the proposed substation and to connect to an existing substation at Arklow. A number of route options were described.

A further submission was received by the Board on 14th September 2020. This clarified that following further discussion with Eirgrid the grid connection would be by way of the existing overhead powerline.

Two virtual meetings were held with the prospective applicant on 21st July 2020 and 14th September 2020. The applicant requested closure of the pre-application consultation on 23rd October 2020.

2.0 Site Location and Description

The site is a brownfield site, which is of stated area of 1.34 ha and which is part of a long-established industrial area close to Arklow town. The industrial estate is now known as the Avoca River Park. The industrial area is highly visible from the M11 and would be a well-known feature on the regional landscape as it was previously the location of a major fertiliser manufacturing plant.

The Avoca River Park industrial estate currently contains a timber processing facility, vehicle storage and other warehouse/industrial/administration buildings including a plastics manufacturing facility. The proposed substation and the permitted datacentre which it would serve would be located towards the north-east of the overall lands. At this location is the entrance point to the industrial estate and an overhead powerline.

The M11 is 800 m to the east of the site and is elevated above the site. The industrial estate is bounded to the south by the Avoca River which meets the sea about 3.5 km to the east of the site. Beyond the river is the main Dublin to Rosslare

railway line, which runs parallel to the river before branching southwards to Arklow town. The built-up environs of the town extend to about 1 km from the site. Apart from the motorway and railway infrastructure and the industrial and agricultural uses in the area, the other noteworthy feature is Shelton Abbey prison to the west. The closest dwelling houses at the northern end of the site are about 800m away.

Within the industrial estate there is the main access which connects to the M11 by way of the R772. The site of the substation is occupied by some industrial buildings, which will be demolished. These are fairly lightweight industrial structures. Nearby the site is the Shelton Abbey substation. The Arklow substation is under 2.5 km to the north-east of the subject site. The existing 110 kV powerline is proximate to the entrance to the industrial park and to the site.

3.0 Proposed Development

The proposed development comprises a substation including a GIS building which will house indoor high voltage gas insulated switchgear equipment, a MV (medium voltage) building, four transformer bays, high-voltage busbars and associated electrical plant and equipment, all within a 2.6 m security fenced compound. The GIS building will have a gross floor area of 528.5 square metres while the MV building will have a gross floor area of 420 square metres. Access to the proposed substation will be from the internal road network within the industrial estate.

The proposal as revised is to deliver the grid connection by way of the overhead powerline proximate to the site. Connection between the proposed substation and the overhead transmission line and the existing Arklow substation would be by Eirgrid and subject to a separate future planning application.

The proposed substation is described by the applicant as serving a permitted datacentre at adjacent lands as well as providing for other development. The existing Shelton Abbey substation located in Avoca River Park is to be retained.

The proposed development will be subject to EIA.

4.0 Planning History

Permission for a data storage facility has been granted on adjoining lands under reg. ref. 18/940 / ABP – 303938 – 19. The development was subject of EIA.

5.0 Prospective Applicant's Submission

The subject development would constitute Strategic Infrastructure for the purposes of electricity transmission, pursuant to section 182A of the Act as the proposed substation and transmission line will form part of the transmission network.

6.0 Relevant Legislation

Section 182A (1) of the 2000 Act (inserted by section 4 of the 2006 Act) provides that where a person, (thereafter referred to as the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission, (hereafter referred to in this section and section 182B as 'proposed development'), the undertaker shall prepare, or cause to be prepared, an application for approval of development under section 182B and shall apply to the Board for such approval accordingly.

Subsection 9 states that 'transmission' in relation to electricity, shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 but, for the purposes of this section, the foregoing expression, in relation to electricity, shall also be construed as meaning the transport of electricity by means of

- (a) a high voltage line where the voltage would be 110 kilovolts or more, or
- (b) an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.

Section 2(1) of the Electricity Regulation Act, 1999:

"Transmission" is defined as

The transport of electricity by means of a transmission system, that is to say a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity from a generating station to a substation, from one generating station to another, from one substation to

another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, with the approval of the Commission, specify as being part of the distribution system but shall include any interconnector owned by the Board.

“Distribution” is defined as

The transport of electricity by means of a distribution system, that is to say, a system which consists of electric lines, electric plant, transformers and switch gear and which is used for conveying electricity to final customers.

“Electric plant” is defined as:

any plant, apparatus or appliance used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity other than –

(a) An electric line.

7.0 Assessment

The proposed development comprises a new 110 KV substation and a cable connection to the existing nearby Shelton Abbey substation. The new substation is to serve a permitted datacentre and possible future development within the industrial estate and will provide power to the Shelton Abbey substation.

A number of matters were clarified during the pre-application consultation meetings:

- The prospective applicant confirmed that the proposed substation will constitute a new node on the grid. It is not part of the distribution system. It will have a voltage of 110kV and form part of the transmission system.
- The proposed substation is not an extension to an existing substation or a replacement substation. The existing Shelton Abbey substation is to be retained in operation.
- The delivery of the connection from the proposed substation to the grid will be by way of overhead connection to be undertaken by Eirgrid and to be subject of any necessary planning consents.

In the circumstances of this case and the clarifications received from the applicant including by way of the written submission dated 14th September in relation to the role and status of the substation, I consider that there is no need to refer to the purpose of the 2006 Act or to the criteria under section 37A.

I am satisfied that the proposed 110kV substation would be described as an electric plant as defined in relevant legislation. The proposal is for a loop in grid connection and substation where existing overhead 110 kV cables are diverted by way of new underground cables into the proposed 110 kV substation and back again to the transmission network.

I am satisfied that the substation will comprise a new node on the existing transmission network. The proposal therefore meets the definition of electricity transmission under section 2 (1) of the Electricity Regulation Act 1999.

I conclude that the proposed development as described in the submitted documentation constitutes strategic infrastructure within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application direct to the Board.

I attach an Appendix of relevant prescribed bodies.

8.0 Recommendation

- 8.1. I recommend that the prospective applicant Crag Digital Avoca Ltd be notified that the proposed development consisting of a 110 kV GIS substation at Avoca River Park, Arklow Co Wicklow as described in the received by the Board on 27th May 2020 and 18th June 2020 and 14th September 2020 falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

Mairead Kenny
Senior Planning Inspector

2nd November 2020

Appendix – list of prescribed bodies

The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Minister for the Environment, Heritage and Local Government
- Minister for Communications, Marine and Natural Resources
- Wicklow County Council
- Transport Infrastructure Ireland
- An Taisce
- Heritage Council
- Inland Fisheries Ireland
- Commission for Regulation of Utilities, Water and Energy
- Iarnród Éireann
- The Railway Safety Commission